



PUBLIC NOTICE

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DA 05-2857
October 28, 2005

COMMENTS INVITED ON APPLICATION OF ITC^DELTA COM COMMUNICATIONS, INC. D/B/A ITC^DELTA COM D/B/A GRAPEVINE TO DISCONTINUE DOMESTIC TELECOMMUNICATIONS SERVICES

WC Docket No. 05-306
Comp. Pol. File No. 718

Comments Due: November 14, 2005

Section 214 Application

Applicant: ITC^DeltaCom Communications, Inc. d/b/a ITC^DeltaCom d/b/a Grapevine

On July 20, 2005, ITC^DeltaCom Communications, Inc. d/b/a ITC^DeltaCom d/b/a Grapevine (ITC or Applicant), located at 7037 Old Madison Pike, Suite 400, Huntsville, AL 35806, filed an application with the Federal Communications Commission (FCC or Commission) requesting authority, under section 214 of the Communications Act of 1934, as amended, 47 U.S.C. § 214, and section 63.71 of the Commission's rules, 47 C.F.R. § 63.71, to discontinue the provision of certain domestic telecommunications services to customers located in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina and Tennessee. ITC updated its application by amendments filed on October 7, 2005, October 27, 2005 and October 28, 2005.

In its application, ITC seeks authority to discontinue local exchange and long distance services provided over the Unbundled Network Element Platform (UNE-P) as a single bundle of services (collectively known as Grapevine service) to residential customers in the above mentioned states. ITC states that it has recently concluded that it will be more cost effective to discontinue Grapevine service than to migrate these customers to resale or UNE-L. ITC anticipates discontinuing Grapevine service on November 30, 2005 or as soon thereafter as the necessary governmental approvals can be obtained. ITC states that it is a non-dominant carrier for these services in these states.

In its original application, ITC stated its intent to provide customers with the required written notice on September 1, 2005. In light of Hurricane Katrina and its effects on mail delivery to a small percentage of customers in the Gulf Coast area, ITC postponed sending notices to any of its customers until September 16, 2005. Specifically, in its October 7 filing, ITC stated that due to Hurricane Katrina it was unable to send mail to 277 customers with a total of 288 lines (108 lines in Louisiana and 180 lines in Mississippi). ITC determined the number of customers and lines to which it could not send a conventional notification by comparing the billing zip code of its customers against the United States Postal Service database of zip codes that are not deliverable or are partially deliverable due to the effects

of the hurricane. See <http://www.usps.com/communications/news/serviceupdates.htm?from= bannercommunications&page=katrina>. ITC further noted that, as of September 30, 2005, eleven customers were without telephone service. Because ITC provides service using UNE-P from BellSouth, it reached this figure by comparing the list of its customers against the list of BellSouth central offices that were affected by the hurricane as identified at www.interconnection.bellsouth.com/network/disaster/mrdrdocts/current_report.doc.

In its October 27 filing, ITC further updated the non-deliverable and out-of-service figures, noting that they had continued to improve. As of that date, ITC reported that the number of customers unable to receive service by regular U.S. Mail had been reduced to 55 subscribers in Louisiana. ITC states that on October 26, 2005 it sent written notice to all affected customers in Mississippi and Louisiana to whom it previously was unable to send notice. ITC also asserts that it explored alternative methods of contacting the remaining customers, and that six of the 55 customers that are unable to receive regular U.S. Mail had provided email addresses to ITC. Accordingly these six customers were provided written notice electronically. In addition, ITC noted that effective October 28, 2005 it has placed the required customer notification language on the relevant website: www.grapevine.com.

In its October 27 filing, ITC also discussed mechanisms it has explored to prevent loss of service to any of its customers after the proposed November 30, 2005 discontinuance date. Specifically, ITC stated that it has had discussions with other local exchange carriers that provide phone service in the affected areas. According to ITC, at least one carrier has agreed to provide phone service to prior ITC customers that seek to obtain telephone service. Finally, ITC indicates that on October 28, 2005 it sent notice via 2-day Federal Express to the 49 customers who could not receive regular U.S. Mail or be reached via e-mail.

We seek comment on ITC's proposed discontinuance of service including the steps it has taken to notify and protect consumers unable to receive regular U.S. Mail service, in light of the notification procedures prescribed in section 63.71(a) of the Commission's rules. In accordance with section 63.71(c) of the Commission's rules, ITC's application will be deemed to be granted automatically on the thirty-first (31st) day after the release date of this public notice, unless the Commission notifies ITC that the grant will not be automatically effective. In ITC's application and notice to its customers, ITC indicates that it anticipates discontinuing service on November 30, 2005. Accordingly, pursuant to section 63.71(c) and the terms of ITC's application, absent further Commission action, ITC may terminate service on November 30, 2005. The Commission will normally authorize proposed discontinuances of service unless it is shown that customers or other end users would be unable to receive service or a reasonable substitute from another carrier, or that the public convenience and necessity would be otherwise adversely affected.

This proceeding is considered a "permit but disclose" proceeding for purposes of the Commission's ex parte rules, 47 C.F.R. §§ 1.1200-1.1216. Comments objecting to this application must be filed with the Commission on or before November 14, 2005. Such comments should refer to WC Docket No. 05-306 and Comp. Pol. File No. 718. Comments should include specific information about the impact of this proposed discontinuance on the commenter, including any inability to acquire reasonable substitute service. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998). Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/cgb/ecfs/>. Filers should follow the instructions provided on the website for submitting comments. Generally, only one copy of an electronic submission must be filed.

In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, filers should send an e-mail to ecfs@fcc.gov, and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.

Parties who choose to file by paper must send an original and four (4) copies of the comments to the Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., Room TW-A325, Washington, D.C. 20554. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission. The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express, and Priority mail should be addressed to 445 12th Street, S.W., Washington, D.C. 20554.

Two (2) copies of the comments should also be sent to the Competition Policy Division, Wireline Competition Bureau, Federal Communications Commission, 445 12th Street, S.W., Room 5-C327, Washington, D.C. 20554, Attention: Carmell Weathers. In addition, comments should be served upon the Applicants. Commenters are also requested to fax their comments to the FCC at (202) 418-2345, Attention: Carmell Weathers.

The application will be available for public inspection and copying during regular business hours at the FCC Reference Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554, (202) 418-0270. A copy of the application may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, telephone (202) 488-5300, facsimile (202) 488-5563, or via e-mail at FCC@BCPIWEB.COM. People with Disabilities: To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY).

For further information, contact Carmell Weathers, (202) 418-2325 (voice), carmell.weathers@fcc.gov, or John Adams, (202) 418-0394 (voice), john.adams@fcc.gov of the Competition Policy Division, Wireline Competition Bureau. The TTY number is (202) 418-0484. For further information on procedures regarding section 214 please visit http://www.fcc.gov/wcb/cpd/other_adjud.

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